

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

CLERK OF COURT
U.S. DISTRICT COURT
SAN JUAN, P.R.

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In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO,

as representative of

THE COMMONWEALTH OF PUERTO
RICO, et al.,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS
(Jointly Administered)

**MOTION FOR JOINDER OF CREDITOR R&D MASTER ENTERPRISES, INC.
TO: (A) MOTION TO DISQUALIFY McKINSEY & COMPANY, INC. AND ITS
AFFILIATES (DOC. NO. 20,873), AND (B) MOTION TO DISQUALIFY
THE LAW FIRM O'NEILL & BORGES LLC (DOC. NO. 22,025)**

To the Honorable United States District Judge Laura Taylor Swain:

Creditor R&D Master Enterprises, Inc., a corporation organized under the laws of the Commonwealth of Puerto Rico (the "Movant"), appearing *pro se*, hereby joins in support of certain pending petitions under the Puerto Rico Recovery Accuracy in Disclosures Act of 2021, 48 U.S.C. 2101 et seq. (hereinafter, "PRRADA"), to disqualify McKinsey & Company, Inc. and its affiliates (collectively, "McKinsey") and the law firm O'Neill & Borges LLC ("O&B"),

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations.)

respectively, both of whom serve as advisors to the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), the sole representative of the Commonwealth of Puerto Rico, the Puerto Rico Electric Power Authority, and other covered instrumentalities in these Title III proceedings. In connection therewith, the Movant respectfully states and prays as follows:

1. The Movant is a creditor of the Commonwealth of Puerto Rico with standing to file this motion for joinder in these Title III proceedings.

2. The Movant hereby joins relator Carlos Lamoutte in support of the allegations that McKinsey and O&B have failed to make clear and transparent disclosures to the Court and to the U.S. Trustee Program under PRRADA and supplemental bankruptcy procedure disclosure standards, in relation to the unresolved disqualification pleadings that are the subject matter of Doc. Nos. 20,873, 20,923, 20,946, 20,989, 20,959, 21,094, 21,096, 21,124, 21,485, 21,572, 21,604, 21,854, 21,925, 21,938, 21,970, 21,975, 21,989, 21,990, 22,020, 22,025, 22,035, 22,090, 22,146, 22,216, 22,232, 22,320, 22,401, 22,404, 22,419, 22,468, 22,485, 22,487, 22,756, 22,779, and 22,800 (collectively, the “Disqualification Pleadings”).

3. The Movant hereby separately affirms and restates all allegations set forth in the Disqualification Pleadings filed to date by relator Carlos Lamoutte, as if fully made herein by the Movant.

4. The Movant is a creditor of the Commonwealth of Puerto Rico and has an interest in the Disqualification Pleadings that would not be represented or protected unless Movant joins in the Disqualification Pleadings prior to their adjudication by the Court.

5. Therefore, the Movant petitions to be included in relator Carlos Lamoutte’s Disqualification Pleadings in order to obtain the relief sought under PRRADA.

WHEREFORE, the Movant hereby respectfully petitions the Court to enter an Order granting Movant's joinder in support of the pending petitions to disqualify McKinsey and O&B, in substantially the form attached hereto as **Exhibit A**.

Dated: November 4, 2022
San Juan, Puerto Rico

Respectfully submitted,

R&D MASTER ENTERPRISES, INC.

By: 

María Magdalena Díaz Vila
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EXHIBIT A

PROPOSED ORDER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO,

as representative of

THE COMMONWEALTH OF PUERTO
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PROMESA
Title III

No. 17 BK 3283-LTS
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ORDER AUTHORIZING JOINDER

On November 4, 2022, R&D Master Enterprises, Inc., a creditor of the Commonwealth of Puerto Rico (the “Movant”), filed a motion requesting the entry of an order providing to join relator Carlos Lamoutte in the disqualification pleadings which are the subject matter of Doc. Nos. 20,873, 20,923, 20,946, 20,989, 20,959, 21,094, 21,096, 21,124, 21,485, 21,572, 21,604, 21,854, 21,925, 21,938, 21,970, 21,975, 21,989, 21,990, 22,020, 22,025, 22,035, 22,090, 22,146, 22,216, 22,232, 22,320, 22,401, 22,404, 22,419, 22,468, 22,485, 22,487, 22,756, 22,779, and 22,800 (the “Motion for Joinder”).

The Motion for Joinder is hereby granted. To the extent that the subject matter of Movant’s Motion for Joinder has been fully briefed and is *sub judice*, the Movant is hereby instructed by the Court that it may not file any additional motions or document following the granting of this Order by the Court.

SO ORDERED.

Dated: November ____, 2022

Laura Taylor Swain
United States District Judge

Certificate of Service

I hereby certify that, on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this matter.

In San Juan, Puerto Rico, this 4th day of November 2022.

R&D MASTER ENTERPRISES, INC.

By: 

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